

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 256 – SB 1040

March 25, 2013

SUMMARY OF ORIGINAL BILL: Authorizes courts to assess costs required to abate or manage public nuisances, including but not limited to, costs incurred by law enforcement to remedy environmental conditions caused by the public nuisance, when issuing an order of abatement. The affected governmental entity will submit an estimate to the court for costs incurred.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue – Exceeds \$1,000

SUMMARY OF AMENDMENT (005382): Deletes all language after the enacting clause. Authorizes the court to assess costs of public services required to abate or manage the nuisance, including law enforcement costs, in the event the governmental entity submits evidence of such costs to the court.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Administrative Office of the Courts (AOC), permitting the court to include assessment of costs when issuing an abatement order will not fiscally impact the courts.
- No other fiscal impact to state government.
- According to County Technical Assistance Service (CTAS) and Municipal Technical Advisory Service (MTAS), this bill as amended, will authorize local government to recover costs associated with abating nuisances.
- The fiscal impact of this bill as amended, to local governments is dependent upon multiple unknown variables, including but not limited to, the number of abatements for nuisances issued by courts statewide, the extent of current local law enforcement expenditures for abating nuisances, the amount of costs that will be recovered under this

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bill as amended, and the timing of any costs recovered. Given the extent of unknown factors, a precise fiscal impact to local governments cannot be determined. However, the recurring increase in local government revenue is reasonably estimated exceed \$1,000.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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